

**AGENDA**  
**BOARD OF SELECTMEN**  
**November 17, 2009**  
**7:00 p.m.**  
**Town Building**

**Public Input**

**Chairman's Comments**

**Town Administrator's Report**

**Meeting Minutes**

**Visitors**

- 7:10 p.m. Recognition of Donald "Gene" Dwinells service to the Town of Stow
- 7:15 p.m. Stow Community Park update and acceptance of gifts – Bob Wilber and Implementation Team
- 7:45 p.m. Assabet River and Marlboro WWTF permit – OAR Director Alison Field-Juma

**8:00 p.m. Public hearing and approval: Tax Rate Classification with Board of Assessors**

**Action/Discussion**

- Chapter 61A (Warren) land sale
- Unfunded state mandates: Report to MA House Ways & Means
- Set board priorities
- Next step in committee management

**Selectmen's Master Planning**

**Liaison Reports, if any**

**Correspondence**

**Adjournment**

Posted 11/13/09

**Correspondence**

**Town:**

Letter of interest in Veteran's Graves Committee appointment, rec'd 10/29

Letter of interest in Cultural Council appointment, rec'd 10/29

CC of Lower Village Comm thank-you to Highway personnel for their Lower Village improvements, rec'd 11/5

Building Permits Report for October, rec'd 11/5

CC of resident letter re removal of stone building and blacksmith shop, rec'd 11/5

Request for Eagle Scout letter of recognition, rec'd 11/12

CC of Stow Elderly Housing Corp notice to Plantation abutters re Nov 23 project plan review, rec'd 11/12

CC of letter to Minuteman School Committee re administration, rec'd 11/13

**General:**

Comcast announcement of Nov 1 cost filing to FCC, rec'd 11/2

NSTAR notice of Nov 30 public hearing on 3-year energy efficiency plan, rec'd 11/4

Boston MPO TransReport for November

**/ Selectmen's Office**

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**From:** Catherine Desmond [kaydesmond@comcast.net]

**Sent:** Thursday, October 29, 2009 11:08 AM

**To:** Susan McLaughlin

**Subject:** D. Dwinells History info

Susan,

Attached is Stow History info for Donald (Gene) Dwinells who recently retired from ZBA. I assume there will be recognition by the Selectmen, as has become practice.

Kay

10/29/2009

**Donald E. Dwinells**

Police Officer 1954 - 1971

Police Chief 1971 - 1982

Zoning Board of Appeals 1971 - 2009

Call Fireman 1965 - 1978

Street Numbering Committee 1972 - 1973

Bylaw Revision Committee 1973 - 1975

Dog Officer 1955 - 1959

Deputy Tax Collector 1955 - 1959

# OAR



## Organization for the Assabet River

9 Damonmill Square, Suite 1E, Concord, Massachusetts 01742

October 26, 2009

### Board of Directors

Dave Griffin  
*President  
Maynard*

Dick Lawrence  
*Clerk  
Hudson*

Romaine Randall  
*Treasurer  
Concord*

Susan Beede  
*Concord*

Don Burn  
*Westborough*

Allan Fierce  
*Stow*

Paul Goldman  
*Marlborough*

Marguerite Kosovsky  
*Northborough*

Martin J. Moran  
*Hudson*

Pam Rockwell  
*Concord*

Peter Shanahan  
*Acton*

Elizabeth Stokay  
*Concord*

David Williams  
*Marlborough*

### Staff

Alison Field-Juma  
*Acting Executive Director  
Policy Director*

Suzanne Flint  
*Staff Scientist*

Julia Khorana  
*Development Director*

Debbie Crooke  
*Office Manager*

Michelle Woodard  
*Bookkeeper*

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Ira Leighton

Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 1  
1 Congress Street, Suite 1100  
Boston MA 02114-2023

Re: NPDES permitting of wastewater discharges into the Assabet River

Dear Mr. Leighton,

We would like to reiterate our strong opposition to the permitting of an increased wastewater discharge of 1.26 mgd into the Assabet River by the City of Marlborough. We clearly stated this opposition at our meeting on June 5, 2009, and in our comments on the Draft NPDES Permit Modification (Permit No. MA0100480) published on July 9, 2008. As you know, the Assabet River remains heavily polluted with nutrients and carries a complex cocktail of pharmaceuticals and personal care products downstream to Billerica's sole source of drinking water, the Concord River. Allowing the Marlborough Westerly wastewater treatment plant to discharge an additional 1.26 mgd of effluent into the Assabet--a volume greater than that of the entire discharge from the Maynard plant--is a violation of state water quality standards and the Clean Water Act.

As stated in our comments and clearly established by the Assabet River TMDL for Phosphorus, the mass phosphorus limits at the four wastewater treatment plants, which are based on a TP concentration 0.1 mg/L during the growing season and current design flows, *do not meet state water quality standards*. In recent years, state and federal agencies, the Army Corps of Engineers (ACOE) in particular, have spent a great deal of money and time exploring sediment and dam removal as an alternative to further reducing phosphorus loads from the four wastewater treatment plants. As you are aware, the ACOE sediment and dam removal study concluded that sediment remediation has little long-term benefit, and removing the largest dams may have some benefit but not a major benefit. In addition, dam removal in our communities is very contentious, has either not been agreed to or has been rejected by the dam owners, and is unlikely to occur in a timeframe relevant to the Phase 2 discharge limits. In other words, the wastewater treatment plants will need to further reduce the amount of phosphorus they discharge into the river on a year-round basis. They will likely need to meet concentration limits below 0.05 mg/L TP.

None of this should come as a surprise to the agencies or the communities that own and operate the Assabet wastewater treatment plants. In April 2005, EPA and the Mass. Department of Environmental Protection wrote a letter to the four municipalities with municipal discharges to the river in which they laid out a decision framework that mirrors the state's TMDL implementation plan (see enclosed letter). The letter states: "Depending on whether sediment remediation can reduce sediment phosphorus contributions enough to achieve water quality standards in the Assabet River, your facility may be required in the next permitting cycle to meet a more stringent 'Phase 2' limit by 2014." Permitting the discharge of an additional 1.26 mgd from the Marlborough Westerly or any other Assabet plant, even with a cap on phosphorus loading, severely compromises the agencies' ability to "impose a more stringent 'Phase 2' limit by 2014." It also ignores the fact that the current mass limits for phosphorus do not meet water quality standards and such a flow increase violates state and federal antidegradation rules.

We are also very concerned that only two of the four wastewater treatment plant upgrades are being completed on or near the schedule provided in their 2005 NPDES permits. We recognize the funding problems encountered by the Westborough Treatment Plant Board and supported their efforts to secure funding and a new schedule. However we are dismayed that so little progress has been made on the Marlborough treatment plant upgrade, and that it is increasingly out of compliance with its construction schedule. The upgrade has been held up by Marlborough's persistent pressure to be granted a wastewater discharge increase, which runs directly counter to the goals of the Clean Water Act.

We respectfully request that EPA withdraw the Marlborough Westerly wastewater treatment plant permit modification that would allow the Marlborough Westerly plant to discharge an addition 1.26 mgd of wastewater to the Assabet River. As we have stated in the past, allowing such an increase would set a precedent that would unravel decades of investment and work to bring the Assabet River to meet its water quality standard. All permits and permit modifications issued from this point onwards should contain Phase 2 discharge limits that will meet water quality standards, and contain enforceable schedules for meeting such discharge limits.

Yours sincerely,

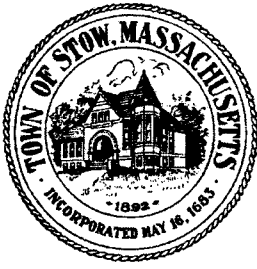


Alison Field-Juma  
Acting Executive Director

Encl. EPA/DEP letter  
OAR Comment Letter on Draft Permit Modification

Cc: Congresswoman Niki Tsongas  
Congressman James McGovern  
Senator James Eldridge

Senator Susan Fargo  
Representative Kate Hogan  
Representative Cory Atkins  
Representative Jennifer Benson  
Representative Danielle Gregoire  
Representative William Green, Jr.  
Representative Carolyn Dykema  
Board of Selectmen, Town of Stow  
U.S. Department of Interior  
Conservation Law Foundation



**Town of Stow**  
**BOARD OF SELECTMEN**

Stow Town Building  
380 Great Road  
Stow, Massachusetts 01775  
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

**Notice Of Tax Classification Hearing**

The Board of Selectmen will hold a public hearing on Tuesday, November 17, 2009 at 8:00 pm in the Town Building, 380 Great Road, Stow, MA on the issue of tax classification. The purpose of the hearing is to allow taxpayers the opportunity to present their views on whether or not Residential, Commercial, Industrial, Open Space and Personal Property should be taxed with one rate for all property classes, or to use different tax rates for different property classes.

The hearing will include a presentation by the Board of Assessors outlining the options available under Chapter 40, Section 56 of the Massachusetts General Laws. At the conclusion of the public hearing the Board of Selectmen shall determine whether or not tax classification shall be applied for the Fiscal Year 2010 tax rate. Currently the Town taxes at a single tax rate for all property classes. All concerned taxpayers are encouraged to attend to present their views orally or in writing.

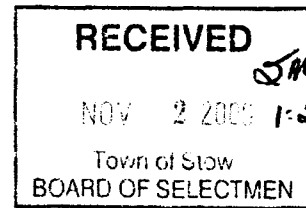
If there are questions about the hearing, please contact the Assessors' Office at 897-4597.

Stephen M. Dungan  
Chairman, Board of Selectmen

Posted 10/28/09

The Stow Independent  
One time: 11/4/09 issue

WILLIAM C. BARTON  
ATTORNEY AND COUNSELLOR AT LAW  
ON THE COMMON - P.O. BOX 387  
LITTLETON, MASSACHUSETTS 01460  
TELEPHONE (978) 486-3143  
FAX (978) 486-9551



October 30, 2009

Certified Mail

Board of Selectmen  
Town Building  
380 Great Road  
Stow, MA 01775-2127

Dear Members of the Board:

This office represents Francis W. Warren, Jr. of Stow, Massachusetts, who proposes to convey a certain parcel or parcels of land situated on the westerly side of Boxboro and West Acton Roads in Stow to the Stow Community Housing Corporation of 61 Sudbury Road, Stow, Massachusetts 01775.

Notice is hereby given that Francis W. Warren, Jr., has received and accepted from the said Stow Community Housing Corporation, a bona fide offer to purchase, and therefore Francis W. Warren, Jr. intends to sell to the Stow Community Housing Corporation, certain land in Stow, Massachusetts described as follows:

Lots 1 through 4 inclusive as shown on a conceptual subdivision plan included as an attachment hereto, the same being approximately 7.5 acres of the larger parcel shown as R-17-3 on the Town of Stow Assessor's Maps, and also being a portion of the land referred to in a deed recorded at the Middlesex South District Registry of Deeds (the "Registry") in Book 14604, Page 505, dated May 7, 1982, being approximately the parcels shown as Lots 1, 2, 3 and 4 on sketch plan entitled "Conceptual Subdivision of Warren Parcel" attached hereto to the within Purchase and Sale Agreement as "Exhibit A" (the "Property").

The land has been classified since 1977 as agricultural or horticultural land pursuant to Chapter 61A of the General Laws into and including the present fiscal year (2009). Title to the parcel is presently in Francis W. Warren, Jr. pursuant to a deed dated May 7, 1982, Book 14604, Page 505, recorded at the Middlesex (South) Registry of Deeds and the Estate of Mary F. Warren, Middlesex Probate Docket No. 94P4223. Mr. Warren has received and accepted a bona fide offer from Stow Community Housing Corporation for Six Hundred Seventy Two Thousand (\$672,000.00) dollars.



Mr. Warren's address is 76 Crescent Street, P.O. Box 18, Stow, Massachusetts, 01775.  
Mr. Warren has difficulty with his hearing and can be contacted via email  
(pgfarm1782@yahoo.com).

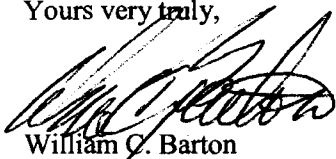
A copy of the Agreement between the parties is attached hereto.

This notice is given pursuant to Section 14 of Chapter 61A of General Laws. Notice of like tenor is being also delivered to the Planning Board, the Board of Assessors and the Conservation Commission.

The parties will be appreciative of the expeditious disposition by the Town of Stow of this matter, being mindful as well of the needs and convenience of the Town.  
Francis W. Warren, Jr. reserves all of his legal rights in these regards.

Thank you for your attention to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'William C. Barton', is written over the typed name.

William C. Barton  
Attorney for Francis W. Warren, Jr.

WCB/gt

Enclosure(s)

cc: Planning Board  
Board of Assessors  
Conservation Commission

	Priority	Comment
A	Increase affordable housing stock	SCHC project would provide huge boost
B	Build more sidewalks	Need identified in MP survey
C	Explore mixed use zoning in Lower Village (117 only)	Would provide housing close to shopping, post office, etc.
D	Support expanded agriculture	Agriculture Commission established; nearly half of Stow Community Park land set aside for farming
E	Implement elementary school project	Local votes and MSBA funding in place; project should be complete by 2012.
F	Determine best use of land that becomes available to town	Discussions underway (BOS, PB, ConsComm); proposal ready by end of Nov., 2009)
G	Support expanded recreation	Stow Community Park nearly complete; will consider other recreational opportunities as other parcels become available.
H	Support economic development	Many comments in MP survey re: desire for more retail and dining options, but these are limited by lack of water (see below).
I	Protect more open space	Town already has significant open space. Interested parties need to consider other land use priorities as well as open space.
J	Obtain water for LV, Center School, town buildings, etc.	Aggressive effort underway (Town Administrator); hopefully a contract with a private water company will be in place by year-end. MP has identified water as a critical need for current and future businesses and affordable housing project in and near LV.
K	Develop plan for expansion/replacement of fire station	Facility has been overcrowded for a long time. Fire Chief working on plan that may involve using part of Pompositticut School.
L	Develop plan for senior/community center	Under active consideration by COA. Options include expansion of current space at Town Building and using space at Pompo.
M	Flu preparedness	BOH has excellent distribution system in place, but vaccine supplies very limited.
N	Follow up on last "Planning Summit" (December 2, 2004); consider follow-up session.	Some action items still outstanding; may be best to start fresh once MP is complete; priorities from 2004 may have changed.
O	Establish commuter shuttle service to S. Acton station; expand COA bus service.	May be possible to build on current RTA arrangement with MART, but financial feasibility needs careful analysis.
P	Complete rail trail	This project needs to be concluded, at least to the point of a route through most of Stow. Collaboration with Assabet National Wildlife Refuge should be pursued.
Q	Collect back taxes	As of 9/30/09, back taxes, interest, and fees total 296,481 with over 62,000 owed by one person. Need to explore legal and regulatory options, especially for repeat offenders.

TO: Stow town boards and committees  
FROM: Board of Selectmen  
DATE: November 17, 2009  
RE: Committee Management

As shown on the attached organization chart, the Selectmen appoint about 20 committees involving 100 volunteers. Other boards also appoint various committees, subcommittees, and task forces. As you know, the town depends on these groups to perform a great deal of valuable work for our community.

Unfortunately, once committee members are appointed, there is very little regular follow up to check on progress or possible need for additional resources. In addition, committees do not always have clear objectives, specific tasks, deliverables, and deadlines. All too often, we appoint members with "indefinite" terms. Thus, it is not surprising to discover that some groups have been meeting for years with no end in sight. Finally, we generally do not tell applicants what is expected in terms of their time and effort. Some committees and task forces are very labor-intensive and volunteers may find that the expectations are not compatible with their other responsibilities.

To address these problems, the Selectmen have developed the attached Standard Operating Procedure (SOP) for "Committee Management". This SOP would apply to committees, subcommittees, and taskforces, but "working groups" would be excluded.

The Selectmen intend to use this SOP for all of the groups we appoint, and we encourage other appointing boards to adopt the SOP as well. As a first step, we have identified three groups that may benefit from this SOP. Over the next few weeks a Selectman will contact the respective chairmen to begin the implementation process.

Finally, we recognize that this is a new SOP and there will likely be suggestions for improvement. We welcome your comments.

Thank you.

Steve Dungan  
Chairman, Stow Board of Selectmen

**Stow Board of Selectmen**  
**Standard Operating Procedure**  
**Committee Management**  
**September 13, 2009**

**Background**

The Selectmen appoint approximately 20 committees composed of 100 volunteers; however, there is little oversight once the appointments are made. In addition, we rarely lay out specific charges, deliverables, or deadlines when committees are first established. On the other hand, when the Selectmen have established various “task forces”, they have been able to deliver on concrete, project-specific goals.

**Objective**

To make committees more effective, focused, and productive.

**Actions Required**

1. When possible, set up task forces rather than committees.
2. Do not appoint volunteers for “indefinite” terms. Instead, use staggered 3-year terms. For example, a 5-member committee/task force would begin with two people at one-year terms, two people at two-year terms, and one person at a three-year term. Upon expiration, each term would renew for three years.
3. Prepare a charge, deliverables, and deadlines for each new and existing committee/task force as needed. Committees and task forces may also do this on their own using guidance and suggestions from the Selectmen.
4. Inform each committee/task force that initial charges cannot be modified without Selectmen approval.
5. Provide annual goals when the expectations of a committee cannot be well-defined.
6. Require quarterly progress reports. Committees and task forces will be expected to adhere to the Open Meeting Law and also post their agendas and meeting minutes on the town website so that the Selectmen can follow progress between reports.
7. Make sure each potential appointee understands the expectations and is able to fully participate and contribute.
8. Require that the chairs of each committee/task force change annually.
9. Ensure that all committees/task forces follow the requirements for “multiple member bodies” as provided in the Stow Town Charter, Article V, Section 5-4, and Article VII, Section 7-8.
10. Recommend that other appointing boards in Stow adopt this same Standard Operating Procedure.